

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

YOLANDA ANDERSON,

Plaintiff,  
VS. CIVIL ACTION NO. C-11-123

TEXAS DEPARTMENT OF AGING  
AND DISABILITY SERVICES, *et al*,

Defendants.

**ORDER**

On Friday, June 3, 2011, the Court held a pre-trial conference in the above styled action with the parties appearing by telephone.

The Court held that Plaintiff's claims under 42 U.S.C. § 1983 brought against Defendants Chris Taylor, Jon Weisenbaum, Gary Jesse, Veronda Durden, Chris Adams, and Richard Moreno in their official capacities are dismissed. See Puerto Rico Aqueduct & Sewer Auth. v. Metcalf & Eddy, Inc., 106 U.S. 139, 146 (1993) (a judgment for money damages may not be entered against a state officer in his official capacity.); see also Stem v. Ahearn, 908 F.2d 1, 4 (5th Cir. 1990).

Plaintiff's claims under § 1983 against Defendant River Forest Group Home Intermediate Care Facility and Defendant Richard Moreno, *in his individual capacity*, remain.

Plaintiff's claims under Title II of the Americans with Disabilities Act, 42 U.S.C. § 12132, remain. See United States v. Georgia, 546 U.S. 151, 126 S.Ct. 877, 882, 163 L.Ed.2d 650 (2006) ("[I]nsofar as Title II creates a private cause of

action for damages against the States for conduct that actually violates the Fourteenth Amendment, Title II validly abrogates state sovereign immunity.”)

SIGNED and ORDERED this 7th day of June, 2011.

  
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Janis Graham Jack  
United States District Judge